



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200600240

Date: August 4, 2006

Comments Due: September 3, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Whitlow Property project, which would result in impacts to approximately 0.810 acres of waters of the United States, including wetlands, in or adjacent to an unnamed tributary of Morrison Creek. This project is located within the Sunrise Douglas Community Plan area. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Lennar Communities, Bob Shattuck
1075 Creekside Oaks, Suite 110
Roseville, California 95678
916-783-3224

LOCATION: The 42-acre project site is located in undeveloped pastureland north of Douglas Road and west of Grant Line Road, in Section 3, Township 8 North, Range 7 East, in Rancho Cordova, California, and can be seen on the "Buffalo Creek, California" USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct 154 low-density single-family residential lots, a 20-acre wetland preserve, a detention/water quality basin, a neighborhood park, and associated roads. An on-site preserve has been proposed which would contain 4.408 acres of waters of the U.S., including wetlands. Based on the available information, the overall project purpose is to construct a residential housing development of 30-60 acres within Sacramento County. The attached drawings provide additional project details.

The construction of the project would cause the placement of fill material in approximately 0.397 acres of vernal pools, 0.386 acres of seasonal wetland swale, and 0.011 acre of ephemeral drainage (0.794 acres total). Also, the project would indirectly impact 0.016 acres of seasonal wetland.

ADDITIONAL INFORMATION:

Environmental Setting. The site is primarily characterized by annual grassland that is interspersed with a complex of vernal pools and drainage swales. A perennial manmade pond is located on the project site.

The applicant has identified approximately 5.202 acres of waters of the U.S., including wetlands, on the project site. More specifically, there are 1.223 acres of vernal pools, 0.527 acre of seasonal wetlands, 1.475 acres of seasonal wetland swale, 0.063 acre of ephemeral stream channel, and a 1.914-acre pond. The wetland delineation has been field reviewed by this office, but has not been verified.

Alternatives. The applicant has not provided information concerning project alternatives. Information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

In June 2004, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency (EPA), and the Corps developed a preservation alternative for the Sunrise Douglas Community Plan area. A map of this alternative, entitled, *A Conceptual-Level Strategy for Avoiding, Minimizing, & Preserving Aquatic Resource Habitat in the Sunrise-Douglas Community Plan Area*, is enclosed. The Conceptual-Level Strategy was created to achieve reasonable protection and conservation of federally threatened and endangered species, while taking a regional approach to avoidance and minimization of impacts to waters of the United States, in accordance with EPA's Section 404(b)(1) guidelines. The applicant's proposed development appears consistent with the strategy.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to mitigate for impacts to vernal pools, seasonal wetlands, and the ephemeral drainage at Gill Ranch at a 1:1 (created to impacted) ratio. The applicant also proposes to preserve endangered species habitat at a 2:1 ratio (preserved to impacted) at the Klotz property.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State Regional Water Quality Control Board is required for this project. The applicant has indicated they will apply for certification.

HISTORIC PROPERTIES: The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-endangered vernal pool tadpole shrimp (*Lepidurus packardii*), Federally-threatened vernal pool fairy shrimp (*Branchinecta lynchi*), or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200600240, must be submitted to the office listed below on or before August 2, 2006:

Mr. David Leput, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: david.w.leput@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Mr. David Leput, 916-557-5327, david.w.leput@usace.army.mil.

Attachments: 5 drawings